



Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
 D. M. Sugimura, Director

**CITY OF SEATTLE**  
**ANALYSIS AND DECISION OF THE DIRECTOR OF**  
**THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2405342

**Applicant Name:** Rob McLean

**Address of Proposal:** 547 N 82<sup>nd</sup> St

## SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one (1) parcel into two (2) parcels of land. Proposed parcel sizes are approximately: A) 2,780 square feet and B) 1,810 square feet. Both existing single family structures are to remain. At the time of this decision there was no related building permit to this subdivision.

The following approval is required:

**Short Subdivision** - to subdivide one existing parcel into two parcels.  
(Chapter 23.24, (23.24.046) Seattle Municipal Code).

**SEPA DETERMINATION:**    ☒ Exempt    ☐ DNS    ☐ MDNS    ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

## BACKGROUND DATA

## Site & Area Description

The 4,590 square foot project site is located in a single-family residential zone with a minimum lot size of 5,000 square feet (SF 5000), located in the northwest area of Seattle. The existing development site is located on N 82nd St between Fremont and Dayton Avenues N, with forty-five (45) feet of street frontage on N 82<sup>nd</sup> St (no alley). North 82<sup>nd</sup> St is paved with curbs, gutters, sidewalks and planting strips on both sides of the street. There are two existing houses located solely on parcel # 6430500091 (acquired by the owner in 1996), which are to remain. In addition, there is a 5' x 102' parcel #

6430500092 (acquired by the owner in 1999), which by itself is not buildable but is in common ownership. These parcels were acquired at different times by the owner as noted above. The 5' x 102' parcel is being added to the development site as a whole with this platting action. Existing vehicle access for the northernmost structure is from N 82nd St via an existing curbcut. The southernmost residence has no existing vehicle access or on site parking associated with it. The lot is flat with little topographical change. North 82nd St is classified as a non-arterial street, pursuant to SMC Chapter 23.53. Surrounding properties and blocks are also zoned SF 5000. Development in the area consists of a variety of one and two-story single-family houses of varying age and architectural style on a variety of lot sizes, consistent with the zoning designations.

### Proposal

Pursuant to SMC 23.24.046, multiple single-family dwelling units on a single-family lot may be subdivided when the provisions of the chapter are met. The proposal is to subdivide one parcel of land into two (2) parcels, with an additional parcel being added to the development site. Proposed lot areas are indicated in the summary above. Proposed parcels A and B will have direct pedestrian access to N 82nd St. Parcel B is proposed without vehicle access as there is currently no parking or access to the structure located on proposed parcel B. Both existing single family residences are to remain. Vehicle access is proposed to remain and be unchanged, with access off of N 82nd St via an existing curbcut for parcel A.

The subject of this analysis and decision is only the proposed division of land.

### Public Comment

During the public comment period which ended September 15, 2004, DPD received several written comments from the public related to the subdivision application. The comments were related to development standards for single family zones and short plats, density, and overall general zoning questions related to subdivisions permitted under SMC 23.24.046.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Based on information provided by the applicant, referral comments from the Department of Planning and Development, Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for single-family residential with a minimum lot size of 5,000 square feet. The allowed use in a single family zone is one dwelling unit per lot, with accessory dwelling units meeting the provisions of SMC 23.44.041 and multiple single-family dwelling units on a single-family lot meeting the provisions of SMC 23.24.046 notwithstanding. Maximum lot coverage is 35% or 1,750 sq ft whichever is greater or as modified by SMC 23.24.046. Front yard setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. In this case, the front yard for the structure located on proposed parcel A is existing and the front yard for the structure located on proposed parcel B is 20', which meets current standards. The minimum side yard setbacks are five (5) feet, except as modified by 23.24.046-B5. Minimum rear yard setbacks are twenty-five (25) feet or if lot depth is less than one-hundred twenty five feet (125'), 20% of lot depth, or as modified by 23.24.046-B5. The principal structures associated with this subdivision will have some degree of non-conformity relevant to single family zone development standards and as a result will be subject to SMC 23.42.112 – Nonconformity to development standards. Table 1 below on page 7 of this document outlines the extent of the non-conformities to both proposed parcels A and B of this subdivision.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Proposed parcels A and B will have direct pedestrian access to N 82<sup>nd</sup> St. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement to provide for electrical facilities and service to the proposed lots.

There is existing vehicle access to one parking space underneath the northern structure located on proposed parcel A. Parcel B is proposed with no vehicle access or parking. The structure located upon proposed parcel B currently has no on site parking associated with it. Since the two existing structures on this subdivision can be legally established by permit prior to the effective date of the first Seattle Zoning Code in 1923 and prior to 1957 when parking requirements were established for the City of Seattle, parking was never required for the structure located on proposed parcel B.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on August 16, 2004 (WAC ID No. 2004-1190).

**Sanitary Sewer**

The existing houses located upon proposed Parcels A & B are connected by means of a shared sidesewer, which also serves the properties addressed as 8105 & 8109 Fremont Ave N, and 554 N 81<sup>st</sup> to a 8-inch public combined sewer (PS) located in n 81<sup>st</sup>. There is also an 8-inch PS located in N 82<sup>nd</sup> St.

**Drainage**

In this area, the PS is the appropriate point for stormwater discharge.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision. As a result, the public use and interest are served.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees;*

There are two trees located on the site. At the time of this decision, no related building permits have been applied for. The structures are proposed to remain, and no construction is proposed, as a result the plat is designed to maximize the retention of the existing trees.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the*

*construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This Short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

8. *Conformance to the provisions of Section 23.24.046, multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

SMC 23.24.046

Subsection B of the SMC 23.24.046 outlines the requirements for the subdivision of a lot in a single-family zone containing more than one (1) existing single-family dwelling as detailed below.

1. *Each existing single-family dwelling unit was legally established by permit or is eligible to be established as a nonconforming development in accordance with Section 23.42.102, establishing nonconforming status;*

There are existing permits on record with The City for the two single-family structures. The first permit<sup>∞</sup> was issued in March 15, 1906 to build one residence on site. The second permit<sup>∂</sup> was issued on April 18, 1911 to build a second 20' x 40' 1 story residence. Also there is a Certificate of Land Use and Local Assessments issued on August 6, 1996 which states that the established use for the site is two single family residences (this certificate is microfilmed with DPD). This certificate was issued to the current owner (Mr. McLean) in 1996, prior to the acquisition of the 5' x 102' parcel. So, the two structures were legally established on parcel # 6430500091, prior to the acquisition of the smaller parcel. Therefore the requirements of this section are met as the single-family residences were legally established by permit. The permits are located in the project file as well as in the City's microfilm records.

2. *Each existing single-family dwelling unit was constructed prior to February 20, 1982;*

There are existing permits on record with The City for the two single-family structures prior to 1982 (See section 1 directly above for details).

3. *Each resulting lot has one (1), but no more than one (1), existing single-family dwelling unit;*

Each resulting lot will have one (1) single family residence located on it as evidenced by the approved plat configuration showing separate structures on each proposed parcel and coupled with the building permits detailed above which specify each structure as residence or dwelling. Therefore the provisions of this section are met.

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<sup>∞</sup> Permit No. 40945

<sup>∂</sup> Permit No. 90176

4. *Parking is provided in accordance with Section 23.44.016, Parking location and access, unless the Director determines that at least one (1) of the following conditions is present:*

- a. Providing parking accessory to an existing single-family dwelling unit is undesirable or impractical because of the location of an environmentally critical area, existing drainage patterns, natural features such as significant trees, or access to a resulting or adjacent lot; or*
- b. The short subdivision cannot be configured to provide parking in compliance with Section 23.44.016;*

*If the Director determines that at least one (1) of the foregoing conditions is present, the Director may waive or modify the parking requirements of Section 23.44.016 as long as the short subdivision does not reduce the number of off-street parking spaces existing prior to the short subdivision. In connection with such waiver or modification, the Director may require access and parking easements as conditions of approval of the short subdivision;*

The existing southern structure located on proposed parcel B has no existing parking associated with it. Proposed parcel A has one parking place proposed and existing which is located underneath the structure. The location of both single family structures doesn't leave enough room on the east or the west sides to permit a driveway or parking to the structure located upon proposed Parcel B. The short plat cannot be configured to provide parking on proposed parcel B in compliance with SMC 23.44.016. As a result, the parking for proposed parcel B is waived.

5. *Each resulting lot conforms to all other development standards of the zone unless the Director determines that the short subdivision cannot be approved if such standards are strictly applied and modification or waiver of some or all of such standards would further the public interest. If the Director makes such determination, then the Director may waive or modify development standards, provided that:*

- a. Each existing single-family dwelling unit shall be set back at least three (3) feet from each common lot line in the short subdivision; and*
- b. No resulting lot shall be smaller than one thousand eight hundred (1,800) square feet.*

The proposed subdivision will be in concurrence with the above criteria (23.24.046-B5 (a) (b)). The single-family dwellings will be 9' feet at the closest point to the proposed common lot line. The smallest lot size of the proposed parcels is 1,810 square feet (parcel B). As a result, the proposed lots meet the criteria for waiver or modification of the development standards. DPD recognizes the two existing single-family dwellings as meeting the provisions of SMC 23.24.046-B5. Below is a table that summarizes the modification or waivers to the development standards that are required to approve the short plat.

This short subdivision was submitted on the basis of SMC 23.24.046, which allows for a lot in a single-family zone containing more than one (1) existing single-family dwelling units to be divided in accordance with SMC 23.24.046-B5, as long as each of the required conditions are satisfied. The analysis of the required criteria and or modification is examined in the relevant criteria for short plat approval above.

#### **Analysis of Required Yards**

	Front Yard	Side Yard (east)	Side Yard (west)	Rear Yard
<b><i>Proposed Parcel A 547 N 82nd St</i></b>	Non-conforming at <b>18.6'</b> (existing)	Non-conforming at <b>4.4'</b> (existing)	Non-conforming at <b>3.5'</b> (proposed)	Non-conforming at <b>16.7'</b> (proposed)
<b><i>Proposed Parcel B 549 N 82nd St</i></b>	Conforming at <b>20'+</b> (proposed)	Conforming at <b>14'</b> (existing)	Conforming at <b>5.7'</b> (existing)	Non-conforming at <b>1.2'</b> (existing)

**Table 1**

#### **DECISION - SHORT SUBDIVISION**

The proposed short plat is **CONDITIONALLY GRANTED**.

#### **CONDITIONS - SHORT SUBDIVISION**

##### **Prior to Recording**

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Include an easement to provide for electrical facilities and service as required by Seattle City Light.
3. Submit the final recording forms for approval and any necessary fees.

##### **After Recording and Prior to Issuance of a Building Permit**

4. Attach a copy of the recorded subdivision to all future building permit application plans.

Signature: (signature on file) Date: January 10, 2005  
Lucas DeHerrera, Land Use Planner

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